



IT IS, THEREFORE, ORDERED that the Report and Recommendation of January 11, 2007, is adopted, in part. [19] It is further

ORDERED that defendant Murphy's motion to dismiss is granted and plaintiff's claims against defendant Murphy are dismissed, without prejudice, for failure to exhaust administrative remedies, as required by 42 U.S.C. § 1997e. [15] It is further

ORDERED that defendant Branum's motion to dismiss is denied [13].

/s/Scott O. Wright

SCOTT O. WRIGHT

Senior United States District Judge

Dated: February 12, 2007